IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

SHIRLEY APPELL, individually and as	§	
heir at law and the representative of the	§	
Estate of Shawn Appell,	§	
Plaintiff,	§	
	§	
v.	§	
	§	CIVIL NO. 1:12-CV-1027-SS
DONNY STEWART, SCOTTIE SCOGGINS	§	
in their individual capacities; SHERIFF BILL	§	
BLACKBURN, in his individual and official	§	
capacities; and LLANO COUNTY,	§	
Defendants.	§	

STIPULATION OF DISMISSAL

Plaintiff Shirley Appell, individually and as heir at law and the representative of the Estate of Shawn Appell, and Defendants Donny Stewart and Scottie Scoggins, in their individual capacities; Sheriff Bill Blackburn, in his individual and official capacities; and Llano County file this stipulation of dismissal under Federal Rule of Civil Procedure 41(a)(1)(ii).

- 1. Plaintiff is Shirley Appell, individually and as heir at law and the representative of the Estate of Shawn Appell. Defendants are Donny Stewart and Scottie Scoggins, in their individual capacities; Sheriff Bill Blackburn, in his individual and official capacities; and Llano County.
 - 2. Plaintiff initiated this suit on November 8, 2012.
- Defendants Sheriff Bill Blackburn, in his individual and official capacities, and Llano
 County answered Plaintiff's Complaint on January 18, 2013.
- 4. Defendant Scottie Scoggins, in his individual capacity, answered Plaintiff's Complaint on February 13, 2013.
 - 5. Defendant Donny Stewart, in his individual capacity, answered Plaintiff's Complaint

on February 14, 2013.

- 6. Plaintiff moves to dismiss her claims against Defendants Donny Stewart and Scottie Scoggins, in their individual capacities; Sheriff Bill Blackburn, in his individual and official capacities; and Llano County.
- 7. Defendants Donny Stewart and Scottie Scoggins, in their individual capacities; Sheriff Bill Blackburn, in his individual and official capacities; and Llano County agree to the dismissal of Plaintiff's claims against Defendants Donny Stewart and Scottie Scoggins, in their individual capacities; Sheriff Bill Blackburn, in his individual and official capacities; and Llano County.
 - 8. This case is not a class action.
- 9. This case is not governed by any federal statute that requires an order of the court for dismissal of the case.
- 10. Plaintiff has not dismissed an action based on or including the same claims as those presented in this suit.
- 11. This dismissal as to Defendants Donny Stewart and Scottie Scoggins, in their individual capacities; Sheriff Bill Blackburn, in his individual and official capacities; and Llano County is with prejudice to refiling.

Respectfully submitted,

TEXAS CIVIL RIGHTS PROJECT

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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of March, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Mr. Brian McGiverin

Mr. Wayne Krause

Ms. Michelle Smith

Mr. James C. Harrington

TEXAS CIVIL RIGHTS PROJECT

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